

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**FRED E. LUTZEIER,**

**Plaintiff,**

**vs.**

**CITIGROUP INC., et al.,**

**Defendants.**

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**Case No. 4:14-cv-00183-RLW**

**MEMORANDUM AND ORDER**

This matter is before the Court on Defendants’ Partially Unopposed Motion for Partial Reconsideration of February 2, 3015 Order and for an Extension of Time to Comply with Order (ECF No. 116) and Plaintiff’s Motion to Strike, and/or in the Alternative, Motion for Additional Time to File a Response in Opposition to, Defendants’ Purported Partially Unopposed Motion for Partial Reconsideration of February 2, 2015 Order and for an Extension of Time to Comply with Order (ECF No. 117).

In Defendants’ Motion, they request that the Court (i) reconsider its Order requiring them to utilize the additional search phrase “consent order” and (ii) grant extensions of time until March 23, 2015 and April 24, 2015 to supplement their production of documents.

In Plaintiff’s Motion, he requests that the Court strike Defendants’ Motion because Defendants did not comply with their agreement, which was the basis of Plaintiff partially consenting to Defendants’ Motion. Specifically, Plaintiff maintains that Defendants did not notify the Court of their agreement (i) to file a consent motion to amend the case management order and (ii) not schedule any depositions until a reasonable period after Defendants’

anticipated discovery production in late April 2015.<sup>1</sup> In the alternative, Plaintiff asks for an extension until Friday, February 27, 2015 to file a response to Defendants' Motion.

The Court does not believe that striking Defendants' Motion is appropriate. Plaintiff shall respond to Defendants' Motion no later than Friday, February 27, 2015.

In addition, the Court wants to be notified of any "agreement" to amend the Case Management Order. The Court is extremely concerned about the pace of this litigation. It appears that significant time and resources are being utilized fighting discovery disputes instead of producing and reviewing documents. In any event, any agreement to modify the Case Management Order, particularly change any trial and dispositive motion deadlines, must be approved by the Court.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion to Strike, and/or in the Alternative, Motion for Additional Time to File a Response in Opposition to, Defendants' Purported Partially Unopposed Motion for Partial Reconsideration of February 2, 2015 Order and for an Extension of Time to Comply with Order (ECF No. 117) is **DENIED**, in part, and **GRANTED**, in part. The Court will not strike Defendants' Motion, but orders Plaintiff to file his response to Defendants' Motion no later than **February 27, 2015**.

Dated this 25th day of February, 2015.

  
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**RONNIE I. WHITE**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> In Defendants' Reply (ECF No. 118), they offer to refile their Motion to reflect the parties' agreement.